

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LEONARD WINFREY,

Plaintiff,

v.

BRITTANY,

Defendant.

Case No.: 3:24-cv-00104-LRH-CSD

**ORDER GRANTING MOTION TO  
DISMISS CASE**

**(ECF No. 4)**

State prisoner Leonard Winfrey moves to dismiss this action, arguing it was filed in error due in part to old forms used in the prison's law library. (ECF No. 4). Plaintiff explains that he intended to file a single civil-rights action under 42 U.S.C. § 1983, and wants to pursue his claims in his earlier-filed action, which is styled *Winfrey v. Mitchell*, 3:24-cv-00101-MMD-CLB. (*Id.* at 2). Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" No party has appeared other than Plaintiff, and no responsive pleading or summary-judgment motion has been filed in this case. So voluntarily dismissal under Rule 41(a)(1)(A)(i) is appropriate.

It is therefore ordered that Plaintiff's motion to dismiss this case (ECF No. 4) is granted.

It is further ordered that this case is dismissed without prejudice.

It is further ordered that Plaintiff's applications to proceed *in forma pauperis* (ECF Nos. 1, 1-1) are denied as moot.

The Clerk of the Court is directed to close this case.

DATED THIS 20<sup>th</sup> day of March, 2024.

  
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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE